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COMMITTEE ON THE ELIMINATION OF
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AT ITS THIRTEENTH SESSION

Draft report

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Addendum

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Ecuador

1. The Committee considered the second and third periodic reports of Ecuador (CEDAW/C/13/Add.31 and CEDAW/C/ECU/3) at its 244th meeting, on 25 January 1994.

2. In her introductory statement, the representative of Ecuador said that discrimination against women was deeply rooted in the socio-economic problems of her country, which had been facing a most serious recession in the last 10 years. She explained that the second periodic report was of a more descriptive nature, whereas the third periodic report contained the drafts of legal amendments.

3. Having Confronted a serious recession since 1980, the Government had taken macroeconomic adjustment measures which had had an unfortunate impact on the weaker members of society, in particular on women and children. A growing decrease in GDP per capita and in the volume of imports together with an increase in external debts, had brought with it a drastic reduction in social security spending. The budget of the Ministry for Social Welfare had been cut

by 47 per cent. She explained that only 26 per cent of the population had access to social security, 76 per cent of women through formal employment and 9 per cent of women through informal employment, and that indigenous women had no access to social security at all. The representative explained that according to a United Nations Children's Fund (UNICEF) survey, 66 per cent of families lived below the poverty line. While higher and middle class income levels had increased 50 per cent, the income of the overall population had decreased constantly. Social movements were losing strength and momentum. Unemployment was reported to have reached 12 per cent; of the economically active population, under-employment had reached 56 per cent; 48 per cent worked in the informal sector.

4. In 1988, the "Social Front" was established, combining the ministries of Social Welfare, Labour, Health and Education, and presided over by the Ministry of Social Welfare. Its goal was to eliminate the recurrent problems of bureaucracy and to avoid the duplication of programmes. The National Committee for Planning and Social Development took office in 1989. The representative also reported on the Fund for Social Investment which directed funds to rural development, youth and women.

5. The representative reported on the critical living conditions of children in her country. In many families, children contributed 19 per cent of an average household income. Some children, aged 8 to 11 years were working 40 hours a week. School attendance suffered as a consequence, with only 30 per cent of children finishing elementary school. To combat the high rate of illiteracy, the previous Government had launched a campaign entitled "Ecuador estudia", which had decreased the illiteracy rate considerably.

6. Although no exact data existed on the incidence of disability, numbers were expected to be very high, with an estimated 18 per cent of the population with disability problems and frequently living in substandard conditions. However, there existed no specific projects for women with disabilities. Malnutrition was one major cause of disability, as was the lack of adequate health care, in particular prenatal, delivery and postnatal care, as well as the lack of immunization programmes for women and children. In 1982, a law had been adopted concerning disability. A national programme for the disabled had been launched which included tax exemptions as well as large-scale public campaigns to provide facilities for disabled people in urban structures. The Government had set up eight rehabilitation centres which were concentrated in the cities.

7. Concerning the situation of rural women, the representative reported on the existing gap between urban and rural areas. Many development programmes focused on the cities, while the rural areas were abandoned and neglected. With the migration of the male population from rural to urban areas, women and children who were left behind took over the agricultural activities. The Ministry for Agriculture and Livestock carried out projects on appropriate agricultural technology for women.

8. The representative described the environmental sanitation situation both in urban and rural areas, which was very poor; there was a lack of safe drinking water. As a consequence, infant mortality was one of the highest in Latin

America. Half of the children below five years of age suffered from malnutrition.

9. Concerning legal reform, the representative indicated that considerable legislation aimed at enhancing women's status had been introduced but some measures had faced opposition in the Congress. Congress had given serious consideration to the discussion of the draft amendment of the Code of Criminal Procedure. A draft of the first Code of Family Law was submitted to the Congress in January 1994 by the Parliamentary Committee for Women, Children and the Family. Following the ratification of the Convention on the Rights of the Child in 1992, a new Code for Minors had been elaborated.

1. General observations

10. Members of the Committee thanked the representative of Ecuador for providing a frank report committed to the advancement of women and expressed their concern about the alarming living conditions of the majority of women. They noted that the economic situation and the structural adjustment measures had affecting her country more than others. Women and small children were the major victims. While recognizing the progress made in legal reform and in socio-economic programmes, in particular in combating illiteracy in the female population and in the elimination of stereotypes in education, members were concerned about the number of remaining obstacles to equality. While Ecuador had already given women the right to vote in 1924, and was in fact one of the first countries in the region to do so, women still faced discrimination in 1994.

11. Members of the Committee noted the need for the Government to define modern, up-to-date criteria for development and to improve what was deemed to be a kind of medieval situation for women, which was the result of a patriarchal structure in which women were denied basic rights. Before enjoying legal rights, women needed to be given basic human rights, such as safe drinking water and better nutrition. Half of the population of the country could not participate with pride in the life of the country. Members emphasized that despite the economic problems, many programmes related to women's equality could be carried out with few resources.

12. The Committee expressed the feeling that the prevailing attitude in Ecuador was that the Government was not giving serious consideration to the advancement of women. There was a de jure and de facto gap in the attainment of women's equality. Moreover, members asked whether the women in Ecuador themselves wanted to change their current situation. If such was not the case, women's consciousness about their situation and their rights needed to be raised. Solidarity among all women was a prerequisite for leading a successful struggle for women's equal rights.

2. General questions

13. In reply to a question on the National Institute for Women, the representative said that the institute had not yet been established. The

National Directorate for Women was still part of the Ministry of Public Health, Education, Social Welfare and Agriculture. There was strong opposition to the setting up of an independent national machinery for the advancement of women, in order not to weaken the Ministry. The representative informed the Committee about a hot line pilot project for women that had been warmly welcomed by women in Ecuador. Many women called and reported on cases of sexual abuse and violence. Although there was no political support from the National Directorate for Women, this project, which could only function with outside assistance, was very successful.

14. Regarding the National Development Plan for 1988-1992, which devoted a whole chapter to women, there had been no assessment of its implementation. No statistical data and consequent evaluation had been provided.

15. Asked whether more information could be given on the areas of competence and the activities of the Parliamentary Committee for Women, Children and the Family, the representative stated that this Committee, which was not permanent, had introduced all of the legal amendments that had received support from the Government, in particular, the Code of Family Law, since no definition of the family had existed prior to the introduction of the Code.

3. Questions relating to specific articles

Article 2

16. With reference to the status of approved legislative changes and draft laws, the representative replied that there had indeed been more proposals for legal changes than reforms accomplished. The delay in promulgating the laws could be attributed to the mandatory respect for the agenda of the Congress, where discussions in recent years had focused on political and economic issues.

17. She mentioned the legal reforms contained in the reform of the Civil Code, which had been put into force within law 43 in 1989. These reforms contained important improvements: recognition of the juridical equality of women and men in marriage; administration of joint estates; responsible and joint parenthood of the spouses; marital obligations and the termination of marriage. The changes in the articles related to marriage had encountered considerable resistance, including opposition from women.

18. The representative reported on a number of other legal amendments, including the introduction of the Code of Family Law. Another proposal was for the establishment of family judges and of accelerated oral and summary proceedings. The Electoral Law was still under debate, since no agreement could be reached on the suggested quota of 25 per cent of women to be included on the electoral lists of political parties. This amendment was contested in the sense that it contradicted democratic procedures. Further resistance was expressed to the idea that 10 per cent of State funds allotted to political parties should be used for the political training of women. The law on complimentary nutrition was meant to give rights to abandoned women who could not provide for their children without their husband's support. According to the proposed law, fathers who did not pay support for their children for two months would be

imprisoned for eight months. This law, which was not included in the Code of Family Law was rejected. The law on the reform of the Code of Civil Procedure dealing with the special retirement benefits for women passed, but owing to the lack of liquidity in the social security fund, payments were not assured. A draft law on giving special retirement benefits to women who had been in formal employment for 25 years and were mothers of five children was not passed. A law on the registration of a child born out of wedlock under its father's name was unanimously rejected. This reform would have given legal recognition to children born out of wedlock without entitling them to support by the father or inheritance rights. It would have devolved upon the father to prove that he was not the father. Public reaction to this proposal had been fierce; women were accused of being prostitutes searching for fathers for their illegal children. Another draft law in favour of an obligatory yearly examination for uterine cervical cancer, to be undertaken by the employers, was rejected because of the costs involved.

19. According to another draft legal provision concerning domestic violence, the representative stated that under its provisions women would be enabled to take legal action against their relatives. In criminal law, the provision that women be more severely treated than men for the offence of adultery was abolished, although adultery remained a cause for divorce in the civil code. If a spouse was found in flagrante delicto, no charges were brought against a person inflicting harm on the spouse.

20. In an additional comment, the Committee questioned the importance attached to the father's name, which had nothing to do with paternity.

21. Members reminded the representative that in ratifying the Convention without reservation Ecuador had made a commitment to make its national laws comply with the Convention. Parliament and Congress had the responsibility for achieving compliance and were obliged to implement the Convention. The Convention on the Elimination of All Forms of Discrimination against Women should not be considered as a second class convention requiring less persistence. Members expressed their concern that a third periodic report of a State party still contained only drafts of legislative reforms.

22. The representative was asked to transmit the concerns of the Committee to the Government, which was responsible for protecting the rights of all women in the country. Members expressed the hope that the country would immediately conduct a systematic review of national law and make it conform to the Convention. The Committee said that it might ask for a specific report on legislative changes, which should be presented at a set time. The Committee expressed its full support for the endeavours undertaken to introduce legal amendments. If the country required advisory services and technical assistance for this purpose as others had done before and as suggested in the plan of activities of the Centre for Human Rights for the implementation of the Vienna Declaration and Programme of Action, the Committee would seriously consider that request.

Article 4

23. The representative regretted to report that no laws or measures "of positive discrimination in favour of women" had been taken by the State aside from the one mentioned on the protection of pregnant female workers.

24. In additional comments, members expressed concern that the Constitution of the country did not allow temporary specific measures as provided in the Convention.

Article 5

25. In reply to a question on the success of programmes aimed at promoting change of attitudes of men and women, the representative referred to Ecuadorian law, which was based on Roman law and gave the patria potestad the leading role in law and in reality. Discrimination against and subordination of women formed part of the patriarchy, which rested on the principle of a division of labour. Greater awareness of stereotyped gender roles and cultural obstacles to the elimination of discrimination against women was needed. As long as stereotyped roles persisted in education and mothers encouraged their sons to adopt macho attitudes whereas girls were brought up to be docile and obedient, no change was imminent.

26. In additional comments, the Committee noted the prevailing attitude of machismo in the country, which affected women in all walks of life and expressed itself also in violence against women, which was largely accepted. Members emphasized that attitudes and behaviour could be changed if there was political will and broad support. It was hoped that the subsequent report would contain information on this issue.

Article 6

27. In reply to a question related to the problems of prostitutes and whether the interest of the National Directorate for Women and its social rehabilitation programmes had resulted in any specific measures or studies, the representative replied that two associations of prostitutes had been formed which called themselves "associations of free working women". Their first congress had taken place in November 1993 and had brought together women of all ages and from different regions of the country in an atmosphere of solidarity. The representative pointed out that prostitution in Ecuador was not an offence. Owing to double standards, prostitution in a brothel was allowed, but not prostitution in the streets.

28. Concerning the HIV/AIDS pandemic, she stated that prostitutes were regularly screened for infection. Prostitutes that had contracted the HIV/AIDS virus were badly treated by the authorities and there had been many negative articles in the media on street prostitutes that were discovered to be HIV-positive.

29. In additional comments, experts noted that prostitutes with HIV/AIDS infection were the first patients to require compulsory medical care, regardless of how and where they had been infected.

Article 7

30. Asked whether there had been any law or measure designed to increase the number of women in the Parliament and in the Executive branch, the representative replied that no such measure had been taken. No political party had encouraged female participation through a quota system or by any other means.

31. However, a number of women had been assigned to high-level positions. The president of the Monetary Association and the Minister of Education were women. There were three women secretaries of state and five women deputies in Parliament.

32. In an additional comment, the Committee noted that the example of Ecuador showed how important it was to have more women at the decision-making level to achieve qualitative and quantitative change. Resistance in the Government to legal reform had increased because there had been little support for the reform within the legislative bodies. Endorsement of the legal reform process also had to come from the highest executive level.

Article 10

33. Concerning the illiteracy rate, the representative stated that the figures were still high although a governmental literacy campaign, carried out 4 to 5 years ago, had been very successful and had decreased female illiteracy from 60 per cent to 38 per cent. This campaign had been undertaken with the direct collaboration of secondary educational establishments in particular, as well as the National Directorate for Women. No measures had been taken to reduce the school drop-out rate for girls, particularly in the rural areas. With regard to modifying the sexist content of curricula and textbooks, the representative reported that this reform was being carried out. A teacher training programme also existed along these lines. No statistics broken down by sex were available on the receipt by women of educational awards on their integration in the ranks of administration in higher education. One positive development, however, was that a women had recently been appointed Minister of Education.

Article 11

34. The representative informed the Committee that men and women had equality of access to all occupational training programmes. Asked whether women had recourse to the courts or any other tribunal when they suffered discrimination in their work, the representative replied that very few cases of discrimination were taken to court. Male and female workers could have recourse to the courts, but there were no legal provisions on discrimination.

35. The legal minimum age to enter the labour market was 12 years; no distinction was made between girls and boys. The labour law prevented the exploitation of minors. The Code of Minors did not allow children to work in jobs that deprived them of their normal development. In general however, child labour was not prohibited and hundreds of children could be seen working in the street and thus contributing to family income.

Article 12

36. On the question of whether measures had been developed that would improve the situation of rural women in particular, the representative replied that only the Ministry of Agriculture was managing a project for women in rural areas, which unfortunately could not be implemented because of flooding. There were no projects to improve the rural hygiene situation, which was very bad. In particular, access to safe drinking water was unavailable in many areas.

Article 14

37. The representative was asked about the participation of women in the preparation and implementation of development plans generally, and particularly in agriculture. In general, women in Ecuador took part in the elaboration of development programmes and policies, but their presence in public life was still very small and insignificant. However, women did not really shape the future of the country and their contributions were not always recognized by the changing Governments.